

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

AET, INC. LTD., Plaintiff

v.

OCEANIC OIL VENTURE, LTD.,
INTERORIENT MARINE SERVICES,
LTD. and M/T LEANDER,
Defendants

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C. A. H-09_____

Admiralty Rule 9(h)

VERIFIED ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now AET, Inc. Ltd. filing its Verified Original Complaint and for cause of action would respectfully show as follows:

I.

SUBJECT MATTER JURISDICTION

This is a cause of action within the admiralty and maritime jurisdiction of the United States and this Honorable Court in accordance with 28 U.S.C. § 1333 and Rule 9(h) of the Federal Rules of Civil Procedure.

II.

THE PARTIES

Plaintiff AET, Inc. Ltd. is a foreign corporation, with its principal place of business at London, England. Plaintiff AET, Inc. Ltd. was and still is the owner of the M/T EAGLE OTOME, an ocean-going tank vessel.

III.

The M/T LEANDER is an ocean-going tank vessel owned and operated by Defendant Oceanic Oil Venture, Ltd. The Plaintiff expects that the M/T LEANDER will be within the jurisdiction of this Court during the pendency of this action.

IV.

Defendant Oceanic Oil Venture, Ltd. is a corporation organized and existing under the laws of Panama.

V.

Defendant Oceanic Oil Venture, Ltd. does not maintain a registered agent for service of process in Texas, and accordingly can be served by service of Summons and Complaint through the Secretary of the State of Texas, with copy to Defendant Oceanic Oil Venture, Ltd. c/o Interorient Ship Management, Inc., Suite 507, 95 Merrick Way, Coral Gables, Florida, 33134.

VI.

The incident which forms the basis of this claim occurred on July 28, 2009 while the M/T EAGLE OTOME and M/T LEANDER were navigating in or about the Galveston Lightering Area in the Gulf of Mexico off the coast of Texas. On that date, the M/T EAGLE OTOME was coming alongside the starboard side of the M/T LEANDER, and made contact with the No. 4 fender, causing the fender string's tail wire to part. The decision was made to abort the operation, and the boarding master ordered the M/T LEANDER to reduce speed and turn to port. However, the M/T LEANDER came to starboard instead of port causing the contact between the two vessels.

VII.

Upon information and belief, Plaintiff alleges and believes that the collision was caused by the unseaworthiness, fault and/or negligence of the M/T LEANDER and Oceanic Oil Venture, Ltd. in the following respects, among others, which will be shown at the trial of this matter:

- A. The M/T LEANDER was unseaworthy, inasmuch as it had insufficient ability to maintain control of its movement;
- B. The M/T LEANDER was manned by an incompetent and/or inexperienced crew;
- C. The M/T LEANDER failed to maintain an attentive and proper look-out;
- D. The M/T LEANDER failed to maneuver as instructed by the mooring master;
- E. The M/T LEANDER failed to keep out of the way of the M/T EAGLE OTOME;
- G. The M/T LEANDER failed to take action to avoid the collision in ample time and with due regard to the observance of good seamanship; and
- H. The M/T LEANDER was carelessly and negligently navigated, coming into contact with the M/T EAGLE OTOME, without taking into consideration all factors to be considered by a competent navigator.

Plaintiff reserves the right to amend these pleadings to allege other faults on the part of the M/T LEANDER as the facts pertaining to this casualty become more fully developed.

VIII.

As a proximate result of the foregoing events, the Plaintiffs have sustained significant costs and expense associated with the collision. Additionally, the M/T LEANDER has been delayed and has sustained physical damage, which requires repairs. It is currently estimated that repairs, loss of revenue, and other claims and damages will be approximately \$1,117,411.00 Defendant M/T LEANDER, *in rem*, and Oceanic Oil Venture, Ltd., *in personam*, are jointly and severally liable for these damages.

IX.

All and singular, the premises as recited above are true and correct and are within the admiralty and maritime jurisdiction of the United States and of this Honorable Court.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that

- (a) Summons under due form and law be issued against Defendant Oceanic Oil Venture, Ltd.;
- (b) The M/T LEANDER be arrested pursuant to Rule C of the Supplemental Admiralty Rules and condemned and sold;
- (c) Judgment be entered in favor of Plaintiff against Defendant Oceanic Oil Venture, Ltd. and the M/T LEANDER for the amount of Plaintiffs' damages, together with pre and post-judgment interest, the costs of disbursements of this action;
- (d) Process in due form of law according to the practice of this Court in causes of maritime and admiralty jurisdiction may issue against the M/T LEANDER, its engines, tackle, etc., stating that all persons having or claiming an interest therein be cited to appear and answer under oath all and singular the matters aforesaid, and that this Court pronounce judgment against the M/T LEANDER, *in rem* in favor of Plaintiff for said damages, together with pre and post-judgment interest, costs and disbursements; and
- (e) That the Court grant Plaintiff such other and further relief, both in law and equity as may be just and proper.

Respectfully submitted,

/s/ John M. Elsley

John M. Elsley

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ATTORNEY IN CHARGE FOR PLAINTIFF,
AET, INC. LTD.


OF COUNSEL:

ROYSTON, RAYZOR, VICKERY & WILLIAMS, L.L.P.

STATE OF TEXAS §
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COUNTY OF HARRIS §

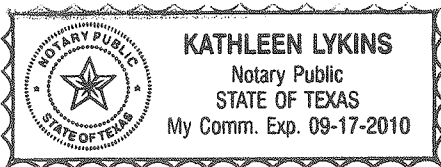
BEFORE ME on this day came John M. Elsley, and being duly sworn, did depose and state:

My name is John M. Elsley and I am Partner with the firm of Royston, Rayzor, Vickery & Williams, L.L.P., attorneys for the Plaintiff herein. I have read the foregoing Verified Original Complaint and know the contents thereof and that the same is true and correct, based upon knowledge, information and belief. The reason this Verification is made by the undersigned is that he is an attorney for the Plaintiff which is a corporation without officers or directors within this district.



John M. Elsley

SUBSCRIBED AND SWORN TO BEFORE ME on this the 30th day of September, 2009.





Notary Public in and for
the State of Texas